REMARKS

This Response is submitted in reply to the non-final Office Action dated September 2, 2008, issued in connection with the above-identified application. Claims 1-10, 13-15 and 17-19 are pending in the present application. With this Response, no claims have been amended; and no new matter has been introduced. Thus, favorable reconsideration is respectfully requested.

In the Office Action, claims 1-3, 5-10, 13-15 and 17-19 have been rejected under 35 U.S.C. 102(e) as being anticipated by Graham (U.S. Patent No. 7,343,435, hereafter "Graham"). The Applicants traverse this rejection for at least the reasons noted below. The cited prior art fails to disclose or suggest all the features recited in at least independent claims 1 and 17.

For example, claim 1 recites the following features:

"[a] content transmission device for use with, and to be connected with, a content receiving device over a network, said content transmission device comprising:

a storage unit configured to store content;

a transmission unit configured to transmit content to the content receiving device;

an interruption location capturing unit configured to monitor and capture an interruption location at which the content receiving device becomes unable to receive content, or an interruption location at which viewing and/or listening of content using the content receiving device has been interrupted;

a transmission controlling unit configured to control said transmission unit so as to transmit content in said storage unit to the content receiving device that corresponds to the interruption location captured by said interruption location capturing unit." (Emphasis added).

The features emphasized above in independent claim 1 are similarly recited in independent claim 17. Additionally, the features noted above are fully supported by the Applicants' disclosure (see e.g., Fig. 1 and pg. 2, lines 15-35).

The present invention, as recited in claims 1 and 17, is directed to a content transmission device that includes an interruption location capturing unit and a transmission controlling unit. The interruption location capturing unit captures a location of an interruption where a receiving device is unable to receive content, or a location where viewing and/or listening of content by the receiving device becomes interrupted (e.g., by a user). The transmission controlling unit

controls the content transmission device to transmit content to the receiving device that corresponds to the interruption location captured by the interruption location capturing unit. The content transmission device of the present invention improves the transmission of content to a receiving device by assuming the responsibility of monitoring and capturing information regarding the interruption of content received by a receiving device.

The Applicants maintain that the cited prior art fails to disclose or suggest at least the following features of the claimed content transmission device of claims 1 and 17:

1) an interruption location capturing unit that monitors and captures an interruption location at which the content receiving device becomes unable to receive content, or an interruption location at which viewing and/or listening of content using the content receiving device has been interrupted; and

2) a transmission controlling unit that controls a transmission unit so as to transmit content in a storage unit to the content receiving device that corresponds to the interruption location captured by the interruption location capturing unit.

Graham discloses a system and method for storing and using recovery state information during a data stream transfer, such as a download. In the Office Action, the Examiner relies on col. 2, lines 1-30, col. 3, lines 1-25, and col. 4, lines 45-60 for disclosing or suggesting the claimed interruption location capturing unit and transmission controlling unit of claims 1 and 17. However, col. 2, lines 1-30, col. 3, lines 1-25, and col. 4, lines 45-60 of Graham merely disclose a receiving device that implements a form of data recovery, not a content transmission device.

For example, Graham describes the following in one embodiment (see col. 2, line 62-col. 3, line 4):

"[a]n examining agent at the client monitors the download as it is decompressed and de-archived at the client. As the download progresses, the examining agent determines recovery state information, so that if the download is interrupted, the client can use the recovery state information to resume the download efficiently." (Emphasis added).

Additionally, Graham in another embodiment also describes the following (see col. 3, lines 45-60):

"[t]he client maintains current state information that identifies the position of the last

compression block boundary and the last archive block boundary to be reached in the stream. The client also maintains recovery state information. Whenever the client reaches a new compression block boundary, it saves the position of the compression block boundary in the current state information." (Emphasis added).

Based on the above discussion, nothing in Graham discloses or suggests a content transmission device that includes an interruption location capturing unit and transmission controlling unit, as recited in claims 1 and 17. Graham only discloses a receiving device that performs a form of data recovery. In fact, even if the receiving device (i.e., client) disclosed in Graham were used in a peer-to-peer configuration, each device would be required to perform a form of self-monitoring and data recovery regarding lost data during downloading. In other words, at no time would a device (i.e., "client" disclosed in Graham) transmitting content to another device determine lost data or the need for data recovery during downloading of data by another device.

Thus, Graham clearly fails to disclose or suggest at least the following features of the claimed content transmission device of claims 1 and 17:

1) an interruption location capturing unit that monitors and captures an interruption location at which the content receiving device becomes unable to receive content, or an interruption location at which viewing and/or listening of content using the content receiving device has been interrupted; and

2) a transmission controlling unit that controls a transmission unit so as to transmit content in a storage unit to the content receiving device that corresponds to the interruption location captured by the interruption location capturing unit.

Accordingly, independent claims 1 and 17 are not anticipated or rendered obvious by Graham at least for the reasons noted above. Additionally, dependent claims 2, 3, 5-10, 13-15, 18 and 19 are also not anticipated or rendered obvious by Graham at least by virtue of their respective dependency from independent claims 1.

Moreover, with regard to independent claims 17, the Applicants respectfully point out that there are additional features recited in the claim that further distinguish the present invention from Graham, which the Examiner appears to have ignored or failed to fully appreciate. In

addition to the distinguishable features noted above, claim 17 also recites the following additional distinguishable features:

"wherein said interruption location capturing unit captures the interruption reason for which the content receiving device became unable to receive content, or the interruption reason for which the viewing and/or listening of content using the content receiving device has been interrupted; and

said transmission controlling unit determines the predetermined distance to retrace from the interruption location according to said interruption reason, and controls said transmission unit to transmit content starting from the predetermined distance determined to the content receiving device." (Emphasis added).

The above features of claim 17 are not believed to be disclosed or suggested by Graham. To the contrary, Graham, at best, discloses the following:

"the client maintains current state information that identifies the position of the last compression block boundary and the last archive block boundary to be reached in the stream. The client also maintains recovery state information. Whenever the client reaches a new compression block boundary, it saves the position of the compression block boundary in the current state information. Likewise, whenever the client reaches a new archive block boundary, it saves the position of the archive block boundary in the current state information. If the client reaches a file boundary, it saves the current state information as the recovery state. In that way, if the data stream is interrupted, the client can efficiently resume reading the data stream from the positions stored in the recovery state."

Thus, the above features of claim 17 further distinguish the present invention from Graham.

In the Office Action, claim 4 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Graham in view of Omura et al. (U.S. Patent No. 6,430,620). The Applicants traverse this rejection for at least the reasons noted below. Claim 4 depends from independent claim 1; and, as noted above, Graham fails to disclose or suggest all the features recited in independent claim 1. Additionally, after a detailed review of Omura, the reference fails to overcome the deficiencies noted above in Graham.

Therefore, no combination of Graham and Omura would result in, or otherwise render obvious, claim 4 at least by virtue of its dependency from independent claim 1.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the Office Action dated September 2, 2008, and pass this application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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